

amount of programming provided, rather than with the quality and responsiveness of that programming, stifling the creativity and innovation that is so critical when it comes to programming for children;

- Quantitative standards are antithetical to Congress' desire that licensees take into account the children's programming offered by other local stations when determining how to serve the educational and informational needs of children in their communities.

NBC believes the far better course is the NPRM's alternative proposal to monitor licensee performance under the CTA for the next three broadcast seasons.⁹ This will enable the Commission to develop uniform information on the amount and nature of the educational/informational children's programming broadcast by licensees, and then to determine whether further regulation is necessary.

One of the key factors the Commission should examine during the monitoring period is whether affiliated stations are availing themselves of the increased amount of educational/informational programming furnished by their networks. As described above, the NBC Television Network has increased the amount of educational/informational programming it offers its affiliates by 500% since 1991. Westinghouse has just announced that if it becomes the owner of the CBS Television Network it will increase the amount of educational/informational children's programming offered to CBS affiliates to two hours per week in 1996 and three hours per week in 1997.

⁹ NBC suggests that the broadcast season, not the calendar year, is the appropriate time interval. Programming is typically produced, made available in the marketplace and acquired by local stations on a seasonal, not a calendar year, basis.

NBC agrees with the NPRM that the three-season monitoring effort should include a requirement that licensees submit periodic reports to the Commission describing their compliance with the CTA programming provisions. NBC suggests that these reports be submitted annually, shortly after the conclusion of the broadcast season (i.e., October 1).¹⁰ To ensure uniformity, the Commission should create a form for completion by licensees, which should elicit the following information:

- (1) The identity and length of the programming the licensee broadcast during the preceding season that was specifically designed to serve the educational and informational needs of children, including both standard length and short segment programming;
- (2) The average amount of such programming the licensee broadcast during each week during the preceding season;
- (3) The scheduling of each program, including day of the week, time and frequency;
- (4) A description of the educational/informational content of each program. In the case of series, this would not be required for each episode. It would suffice to describe the educational objective, content or theme of the program series;
- (5) The target age group of the program;
- (6) A description of the processes, if any, the licensee or its program suppliers have in place to ensure the educational/informational content of the program;
- (7) Other programming furnished by the licensee that contributes to the educational and informational needs of children;
- (8) Non-broadcast efforts by the licensee to served children's educational/informational needs, including both those efforts that are linked to an on-air broadcast and those that are not.

¹⁰ NBC suggests the first report cover the 1995-96 season. For simplicity's sake, we suggest the Commission commence each annual reporting period on September 1 and conclude it on August 31.

Sponsorship and Other Options

The NPRM links the adoption of a "program sponsorship" approach to fulfillment of CTA obligations to the proposed safe harbor or program standard regulations. We urge the Commission not to so limit the use of this, or other creative approaches to increasing the amount of educational and informational available in the marketplace. If the ultimate result of individual or industry-wide funding or production efforts is the availability of additional quality children's programming, then both the statute and the Commission should be satisfied.

The CTA explicitly provides that efforts to support programming on other stations can, in part, satisfy the Act's programming obligations. NBC urges the Commission as part of its monitoring effort to collect information not only on the type of program sponsorship contemplated in the NPRM but on other voluntary licensee efforts that result in an increase in the amount of educational and informational programming available to children in local markets and across the country.

VI. CONCLUSION

For the foregoing reasons, NBC urges the Commission to adopt those NPRM proposals that will increase the flow of information to parents and local communities, will encourage licensees to focus more closely on the educational/informational content of their children's programs, and will provide the Commission with uniform and reliable information on the level and nature of compliance with the programming requirements of the CTA. NBC urges the Commission to defer any consideration of additional regulatory measures until and unless that

information reveals that licensees are, in fact, not providing sufficient educational/informational children's programming. We believe history has already shown that quantitative requirements are and will continue to be unnecessary. We are confident that a thorough examination of the record of industry compliance -- past, present and future -- will lead the Commission to the same conclusion.

Respectfully submitted,

A handwritten signature in cursive script, reading "Richard Cotton".

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A handwritten signature in cursive script, reading "Howard Monderer".

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